



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/822,303

04/09/2004

Rino Rappuoli

20480.019

3584

27476

7590

06/12/2009

NOVARTIS VACCINES AND DIAGNOSTICS INC.

INTELLECTUAL PROPERTY- X100B

P.O. BOX 8097

Emeryville, CA 94662-8097

EXAMINER

PENG, BO

ART UNIT

PAPER NUMBER

1648

MAIL DATE

DELIVERY MODE

06/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10822303	4/9/2004	RAPPUOLI ET AL.	20480.019

NOVARTIS VACCINES AND DIAGNOSTICS INC.  
INTELLECTUAL PROPERTY- X100B  
P.O. BOX 8097  
Emeryville, CA 94662-8097

**EXAMINER**

BO PENG

**ART UNIT****PAPER**

1648

20090606

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on February 23, 2009, is not fully responsive to the prior Office action because of the following matter(s):

1. The status of Claim 122 is not correctly identified. Also see attached Notice of Non-Compliant Amendment (37CFR1.121).
2. The Remarks filed on February 23, 2009, indicated that the SEQ ID NOs: in the claims were not consistent with SEQ ID NOs: filed in the provisional applications, specifically the elected SEQ ID NO:6042; see Remarks, p. 31 of 32. However, Applicant failed to indicate what SEQ ID NO(s): in the provisional application correspond to the SEQ ID NO: 7302 under examination. Since CRFs of the hundreds sequences were not submitted with the filed 19 provisional applications, the Examiner cannot identify what SEQ ID NO(s): in the provisional application correspond to the other sequences in the claims under examination. As a result, the Examiner is not able to properly determine the priority of the claimed invention and apply prior art. In order for examination to further proceed expeditiously, Applicant is required to indicate what SEQ ID NO(s): in the provisional application correspond to the elected SEQ ID NO: 7302.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bo Peng, Ph.D. whose telephone number is 571-272-5542. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D. can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

